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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,789	09/07/2005	Mario Aleksic	095309.56021US	6284

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EXAMINER

BROADHEAD, BRIAN J

ART UNIT	PAPER NUMBER
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3664

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/528,789	Applicant(s) ALEKSIC ET AL.	
	Examiner BRIAN J. BROADHEAD	Art Unit 3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 18-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims recite the limitation "geographic information that is limited to controlling operation of at least one vehicle control system" but never fully describes what this entails. The invention is instead described by what it is not, a full database, not by what it is.

3. Claims 18-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims recite the limitation "geographic information that is limited to controlling operation of at least one vehicle control system" but never fully describes what this entails. The invention is instead described by what it is not, a full database, not by what it is. This would prevent one of ordinary skill from make the invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 18-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. The claims recite the limitation "geographic information that is limited to controlling operation of at least one vehicle control system" but never fully describes what this entails. The invention is instead described by what it is not, a full database, not by what it is. This makes it impossible to understand the metes and bounds of the claimed subject matter.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18-25, 31-34, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Machii et al., 2005/0159887, in view of the admitted prior art of DE 3700522 A1.

3. Machii et al. disclose a buffer for geographic information, said buffer containing only geographic information suitable to describe at least one possible route of the vehicle (21); an input interface for selecting a subset of the geographic information stored in the buffer, in response to at least one position-related parameter entered at

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the input interface (505); an output interface for outputting the subset of the geographic information corresponding to the at least one parameter values, whereby the output information is sent for further processing in the vehicle control system(502); the buffer is overwritable and the buffer comprises a flash ROM (605); at least one of the input and output interfaces is connected to a vehicle-based information network (figure 2); the geographic information is at least partially or incrementally changeable (figure 21); change of the geographic information is performed by means of a data transmission line connected to the buffer (figure 2, the buffer is a flash card and when it is placed in any computer it will be connected to some type of data transmission line for reading/writing) one of a geographic position of the vehicle, a geographic area based thereon, and a route section based thereon, is entered as a parameter value at the input interface (figure 12). further comprising an EDP connection with a vehicle-based telematics platform (figure 2 (106)); further comprising an EDP connection with a navigation system in figure 2 (106); the navigation system is centrally based in figure 2; the geographic information is certified is functional language and does not change the attributes of the geographic information; the geographic information describes at least one route of the vehicle in paragraph 13; the vehicle is a commercial vehicle is intended use and does not distinguish over the cited prior art; the sensor arrangement comprises an intelligent sensor in figure 2 (flash cards are plug and play); and the geographic information comprises data describing only highways (not built up areas like cities) in paragraph 10. Machii et al. does not disclose the geographic vehicle operation information consists of geographic information limited to controlling operation of at least

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one vehicle control system as the vehicle traverses at least one possible route. The admitted prior art discloses geographic vehicle operation information consists of geographic information limited to controlling operation of at least one vehicle control system as the vehicle traverses at least one possible route. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the limited information of Machii in the invention of the admitted prior art because such modification would reduce expensive storage space as disclosed by Machii in paragraph 6.

4. Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Machii et al., 2005/0159887, in view of the admitted prior art of DE 3700522 A1, as applied to claims 1-25 above, and further in view of Jenkins et al., 2001/0018628.

5. Machii et al. disclose the limitation as set forth above. They do not disclose an EDP connection to a road impact fees calculator. Jenkins et al. disclose an impact fees calculator. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the device of Machii et al. to provide location information to the device of Jenkins through an EDP connection because such modification would eliminate the need for multiple GPS and map databases within a vehicle.

6. Claims 30, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Machii et al., 2005/0159887, in view of the admitted prior art of DE 3700522 A1, and Jenkins et al., 2001/0018628 as applied to claims 26-29 above, and further in view of Adachi, 2008/0198043.

7. Machii et al. the admissions, and Jenkins et al. disclose the limitation as set forth above. They do not disclose a non straight parameter based section of a road is

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described as a circular arc, clothoid, or spline. Adachi teaches a non straight parameter based section of a road is described as a circular arc, clothoid, or spline in paragraph 13. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the spline of Adachi in the invention because such modification would require less storage space as disclosed by Adachi.

Response to Arguments

8. Applicant's arguments with respect to claims 18-34 have been considered but are moot in view of the new ground(s) of rejection. The added reference teaches using the geographic information to control operation of a vehicle system.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN J. BROADHEAD whose telephone number is (571)272-6957. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. J. B./

Examiner, Art Unit 3664

/KHOI TRAN/

Supervisory Patent Examiner, Art Unit 3664